

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In The Matter Of:)	Case No. 10-40391-705
)	Chapter 7
Mickey E. McGee)	
Jaymie L. McGee)	
)	MTN 9
Debtors,)	
)	
U.S. Bank, N.A., it's Successors)	Hearing Date: March 31, 2010
and/or Assigns)	Hearing Time: 9:30 AM
Movant,)	
)	<u>ORDER</u>
)	

The Motion for Relief from the Automatic Stay, filed by U.S. Bank, N.A., it's Successors and/or Assigns called for hearing.

Upon consideration of the pleadings and the record as a whole, the Court finds and concludes that the Movant has a security interest in the following property:

A TRACT OF LAND BEING PART OF THE EAST HALF OF THE SOUTH PART OF THE WEST HALF OF LOT 2 OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 48 NORTH, RANGE 3 WEST WARREN COUNTY, MISSOURI, AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT AN OLD IRON ROD AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER, NORTH 00 DEGREES 27' WEST 401.76 FEET; THENCE SOUTH 88 DEGREES 07' EAST 868.22 FEET TO AN OLD IRON ROD AT THE PLACE OF BEGINNING OF THE SAID TRACT OF LAND; THENCE SOUTH 88 DEGREES 07' EAST 470.08 FEET TO AN OLD IRON ROD; THENCE ALONG THE EAST LINE OF THE WEST HALF OF LOT 2, SOUTH 00 DEGREES 42' EAST 334.87 FEET TO AN IRON ROD THENCE LEAVING THE SAID EAST LINE, SOUTH 87 DEGREES 32' WEST 281.02 FEET TO AN IRON ROD; THENCE NORTH 28 DEGREES 03' WEST 410.71 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE 40 FOOT WIDE ROADWAY OVER AND ALONG THE FOLLOWING DESCRIBED STRIP OF LAND TO-WIT: A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE

NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 48 NORTH, RANGE 3 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE NORTHWARDLY ALONG THE HALF SECTION LINE A DISTANCE OF 40 FEET TO CORNER; THENCE WESTWARDLY ON A LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION LINE TO A POINT ON THE WEST LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTHWARDLY A DISTANCE OF 40 FEET ALONG THE WEST LINE ON SAID QUARTER-QUARTER SECTION A POINT ON THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE EASTWARDLY ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. ALSO, A 40 FOOT WIDE JOINT ROAD EASEMENT AS NOW LOCATED ALONG THE WEST AND NORTH SIDE OF THE WEST ONE-HALF OF SOUTH PART OF WEST ONE-HALF OF LOT 2. ALL IN SECTION 2, TOWNSHIP 48 NORTH, RANGE 3 WEST.

The Court further finds and concludes that there is no equity in this property for the benefit of the bankruptcy estate; that Movant has not been afforded adequate protection for its interest and that said property is not necessary for an effective reorganization. It is therefore,

ORDERED, ADJUDGED AND DECREED that the stay provided for by Section 362 of Title 11, United States Code, is terminated to permit the Movant to foreclose its security interest in the herein described property and to pursue its remedies in accordance with the security agreement and state law including obtaining possession of the property after foreclosure.

IT IS FURTHER ORDERED that all further relief prayed for by Movant is hereby
DENIED.


CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

DATED: March 25, 2010
St. Louis, Missouri
mtc

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